




# RESOLUTIONS 1978-79 SESSION

Resolution No.	Date of Meeting	Title of Resolution	Action	Remarks and/or Committee Referral
78/1	4/14/78	A Resolution to Continue Publication of the <u>GW Forum</u>	Adopted	Publication of the <u>GW Forum</u> continued for five years.
78/2	10/13/78	A Resolution Concerning Disciplinary Actions Taken Against Tenured Faculty Members	Referred	Referred by the Faculty Senate to the Executive Committee for referral to appropriate Senate Committee. Referred by Executive Committee to PEAFC Committee. Not yet reported out of committee.
78/3	11/10/78	A Resolution to Allow Students to Register for Courses for Credit Which were Previously Audited	Defeated	
78/4	11/10/78	A Resolution to Introduce New Grading Symbols	Adopted, as amended	Implemented by President Elliott - November 22, 1978
78/5	11/10/78	A Resolution to Establish a <del>Senior Citizens Course Audit Program</del> Course Audit Program for Residents of Foggy Bottom 60 Years or Older	Adopted, as amended	Implemented by President Elliott - November 22, 1978
78/6	11/10/78	A Resolution Concerning Conflict of Interest on Senate Committees	Adopted	Implemented by President Elliott - November 22, 1978
78/7	11/10/78	A Resolution to Provide for the Possible Need for Extra Members of the Grievance Committee	Adopted, as amended	Held for action by Executive Committee of the Board of Trustees. Approved by Board. 1/18/79.
78/8	12/8/78	A Resolution Concerning the Period Between the End of Classes and the Beginning of Examinations	Adopted	Implemented by President Elliott - February 26, 1979
78/9	2/9/79	A Resolution to Authorize the Use of Instructor, Assistant Professor, Associate Professor, and Professor for Non-Tenure Track Faculty Members.	Referred	Referred by the Faculty Senate to the Appointment Salary and Promotion Policies Committee.



THE GEORGE WASHINGTON UNIVERSITY  
INTERDEPARTMENTAL MEMORANDUM

Annual Report of the Faculty Senate Committee  
On the University and Urban Affairs for 1978-79  
February 1, 1979

The Urban Affairs Committee met twice during the fall semester. It produced one publication and one Senate-adopted resolution:

- (1) The publication is entitled Diversions: A Cultural Guide to George Washington University for Neighborhood Residents. The Committee began this project last spring with the cooperation and funding of the University Public Relations Office. In this brochure, the Committee identified those facilities and services which the University provides to its nearby neighbors in the community. The Public Relations Office distributed this brochure to Foggy Bottom residents in late December, 1978.
- (2) The Committee's resolution, adopted by the Senate with minor amendment, recommended the establishment of a COURSE AUDIT PROGRAM FOR RESIDENTS OF FOGGY BOTTOM 60 YEARS OR OLDER (78/5). The program is to be administered by the Director of Alumni Relations as an extension of the already-established Alumni Course Audit Program, offering to residents of Ward 2-A aged 60 or over the same opportunity to audit those courses which may be audited by alumni upon payment of the same fee. The amended resolution was adopted on November 10, 1978.

The Committee extends particular thanks to Professor Howard Gillette, Mr. Jon Keates (Alumni Director), Mr. Robert Garber (Assistant Alumni Director), and Ms. Nona Boren (Director, GWU Gerontology Program) for their assistance in devising the program envisioned by the course audit resolution.

The Committee on the University  
and Urban Affairs:

Howard Gillette, Assistant Professor, American Studies  
Hermann Helgert, Associate Professor, Engineering  
Peter Hill, Professor, History (Chairman)  
Gregory Ludlow, Associate Professor, Romance Languages  
David McAleavey, Assistant Professor, English  
Honey Nashman, Assistant Professor, HK&LS  
Daniel Sinick, Professor, Education  
Clemmont Vontress, Professor, Education  
Perry Wallace, Assistant Director, Experimental Programs  
Fran Marsh, Acting Director, Public Relations

# EXECUTIVE COMMITTEE OF THE FACULTY SENATE

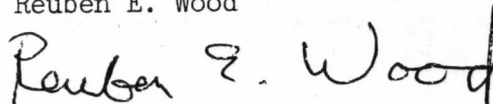
## ANNUAL REPORT

1. The Executive Committee arranged the agenda for nine meetings of the Faculty Senate during the 1978-79 session.
2. From time-to-time the Executive Committee or its chairman became somewhat involved in grievance actions.
3. The Executive Committee, together with the previous Executive Committee, nominated chairmen and members of the Senate's standing committees. It also made recommendations concerning the appointment of members of administrative committees.
4. Attached is a table of Senate Resolutions introduced during the 1978-79 session.

The Executive Committee thanks the large numbers of faculty members and others who have served on committees. In a number of cases the work has been very time consuming. In others, very frustrating. Especially we are grateful to Erik Winslow who, as Chairman of the Grievance Committee, has had a heavy load as have the members of that committee.

The Chairman of the Executive Committee expresses his gratitude for the strong support given him by the other members of that committee. He also appreciates the indispensable services of Doris Trone and, lately, of Judy Fisher.

Reuben E. Wood



Chairman

### Executive Committee:

Gilbert J. Ginsburg\*  
Frederick C. Kurtz  
Howard C. Pierpont  
Martha N. Rashid  
Teresa M. Schwartz\*  
Lloyd H. Elliott, ex officio

\*Professor Ginsburg replaced Professor Schwartz at the beginning of the 1978-79 academic year.



RESOLUTIONS 79-80 SESSION

Resolution No.	Date of Meeting	Title of Resolution	Action	Remarks and/or Committee Referral
79/1	3/9/79	A Resolution to Modify the Board of Trustees Honor Scholarship Program	Adopted, as amended	Approved by the Board of Trustees-3/15/79
79/2	4/13/79	A Resolution to Establish the Rank of University Professor	Adopted, as amended	Adopted by the Board of Trustees-1/17/80
79/3	5/4/79	A Resolution Concerning Renewability of Appointments of Full-Time Non-Tenure-Track Faculty Members	Withdrawn	Resolution 79/3 withdrawn for referral to a later date.
79/4	10/12/79	A Resolution to Amend the <u>Faculty Code</u> as to Grievance Procedure	Adopted, as amended	Approved, as amended, by the Board of Trustees-10/18/79; adopted, as amended, by the Board of Trustees-1/17/80
79/5	11/9/79	A Resolution to Change the Cr/NCr Grading Symbol	Adopted	
79/6	12/14/79	A Resolution to Amend the Faculty Organization Plan to Provide for Replacing Members or the Chairman of the Executive Committee When Necessary	Adopted, as amended	Adopted by the Faculty Assembly-1/22/80 Approved by the Board of Trustees-3/20/80
79/7	12/14/79	A Resolution to Abolish the Procedure for Establishing Every Four Years a Special Committee to Review the Faculty Organization Plan and to Propose Any Desirable Amendments Thereto	Adopted, as amended	Adopted by the Faculty Assembly-1/22/80 Approved by the Board of Trustees-3/20/80
79/8	1/18/80	A Resolution Concerning the Decision to Join the <u>Yeshiva</u> Brief	Adopted	Approved by the President-1/18/80
79/9	2/8/80	A Resolution to Establish University Awards	Adopted	Approved by the President for the Board of Trustees-3/14/80



A RESOLUTION TO MODIFY THE BOARD OF TRUSTEES HONOR SCHOLARSHIP PROGRAM (79/1)

WHEREAS, Resolution 72/5 permitted the awarding of Board of Trustees scholarships on bases other than financial need; and

WHEREAS, Resolution 74/2 established twenty Honor Scholarships of \$1,000 each for recipients from the Washington metropolitan area; and

WHEREAS, It has been some time since these awards were established; and

WHEREAS, The Engineering Honor Scholarship program currently awards scholarships of half-tuition; and

WHEREAS, These Honor Scholarships have attracted students of demonstrated academic excellence from a wide geographic area; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

The Faculty Senate recommends that the University's Office of Student Financial Aid, under the direction of the Senate Committee on Student Financial Aid, award Board of Trustees Honor Scholarships of up to half-tuition to deserving students on bases other than need, effective for students enrolling Fall 1979 and later.

The Faculty Senate further recommends that the number of scholarships be retained at their present level if it is possible to provide the additional necessary funding.

March 6, 1979  
Committee on Student Financial Aid

Adopted, as amended, March 9, 1979

Approved by the Board of Trustees-3/15/79



A RESOLUTION TO ESTABLISH THE RANK OF UNIVERSITY PROFESSOR (79/2)

Whereas from time to time the George Washington University has the opportunity to <sup>appoint</sup> ~~acquire~~ a scholar of distinguished international reputation ~~and who has~~ made significant contributions beyond any single discipline thereby demonstrating a wide range of knowledge and breadth of understanding and

Whereas the principal obligations of such scholars will include teaching of courses reflecting the individuals capability beyond any single discipline and the continuation of related scholarly activity;

Now therefore be it resolved by the Faculty Senate of the George Washington University that the Faculty Code be amended as follows

1. On page 3 "Grades of Academic Personnel", B. "Active Status", 1. "Regular": Insert after "Regular" and before "Professor" the term "University Professor".
2. On page 8 after d) Professors add  
e) University Professors  
University Professors shall be appointed with tenure.  
The process of making such appointments shall be as follows:
  - (1 ) The candidate shall be recommended by one or more departments or schools; and
  - (2 ) The candidate shall be recommended by the Executive Committee of the Faculty Senate and/or by a faculty committee appointed by the President; and
  - (3 ) The candidate shall be recommended by the Vice President for Academic Affairs and by the President, the appointment to be approved by the Board of Trustees.

April 3, 1979  
Executive Committee

Adopted, as amended, April 13, 1979



RESOLUTION TO ESTABLISH THE BOARD OF UNIVERSITY STUDENTS

Whereas, it is the policy of the State of Michigan to provide for the representation of students in the governance of the State University System; and

Whereas, it is the policy of the State of Michigan to provide for the representation of students in the governance of the State University System; and

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Whereas, it is the policy of the State of Michigan to provide for the representation of students in the governance of the State University System; and

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.



A RESOLUTION CONCERNING RENEWABILITY OF APPOINTMENTS  
OF FULL-TIME NON-TENURE—TRACK FACULTY MEMBERS (79/3)

WHEREAS, it is the current practice of The George Washington University to appoint full-time non-tenure-track members of the faculty with no necessary limitation on the number of renewals possible; and

WHEREAS, such practice involves the possibility of unfair and exploitative treatment of such faculty members; now, therefore,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the Senate concludes that it would be unethical and that it would violate academic freedom for the University to continue any such appointment beyond a maximum of six academic years.

March 8, 1979  
Professional Ethics and Academic Freedom Committee

5/4/79  
Resolution 79/3 withdrawn for referral to a later date.

A RECOMMENDATION CONCERNING THE REORGANIZATION OF THE  
DEPARTMENT OF THE ARMY - 1947

WHEREAS, it is the policy of the Department of the Army  
to maintain the highest efficiency in its organization  
and to ensure that the Department is able to carry out  
its functions in the most effective manner possible;

AND WHEREAS, the Department of the Army is currently  
undergoing a period of reorganization;

IT IS HEREBY RECOMMENDED that the Department of the Army  
be reorganized in accordance with the following plan:

The Department of the Army should be organized into  
three main divisions: the Department of the Army  
Headquarters, the Department of the Army Staff, and  
the Department of the Army Operations.

Respectfully,  
The Secretary of the Army

Very truly yours,  
The Secretary of the Army

A RESOLUTION TO AMEND THE FACULTY CODE AS TO GRIEVANCE PROCEDURE (79/4)

Final  
Bd's  
1001

WHEREAS, promotion and salary decisions are made on an annual basis with respect to members of the faculty; and

WHEREAS, formal grievance procedures under Section E of the Procedures for the Implementation of the Faculty Code are quite costly in terms of faculty time and University resources; and

WHEREAS, allowing annual full processing of grievances by the same members of the faculty is likely to result in substantial repetitive consideration of already-adjudicated matter; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

Section E.3.b)D be amended to read as follows (brackets indicating deletion; underlining indicating new matter);

Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee. If the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been  
or which could have been presented in a  
previously heard and decided, ~~or which should have been presented in a~~  
previous hearing,  
previous hearing, the Hearing Committee, in its discretion, may dismiss  
the complaint.

Executive Committee of the Faculty Senate  
September 28, 1979

Adopted, as amended, October 12, 1979

Approved by the Board of Trustees  
October 18, 1979



Board of Trustees' version  
(See letter next page)

A RESOLUTION TO AMEND THE FACULTY CODE AS TO GRIEVANCE PROCEDURE (79/4)

WHEREAS, promotion and salary decisions are made on an annual basis with respect to members of the faculty; and

WHEREAS, formal grievance procedures under Section E of the Procedures for the Implementation of the Faculty Code are quite costly in terms of faculty time and University resources; and

WHEREAS, allowing annual full processing of grievances by the same members of the faculty is likely to result in substantial repetitive consideration of already-adjudicated matter; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

Section E.3.b)1) be amended to read as follows (brackets indicating deletion; underlining indicating new matter);

Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee. If the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which should have been presented in a previous hearing, the Hearing Committee, in its discretion, may dismiss the complaint.

Executive Committee of the Faculty Senate  
September 28, 1979

Adopted, as amended, October 12, 1979

approved by the Board of Trustees  
October 18, 1979

provision and shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.1. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.2. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.3. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.4. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.5. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.6. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.7. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.8. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.9. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.10. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.11. The Faculty Code shall be subject to the same as in the case of the provision in the Faculty Code.

Section 10.12

Section 10.13

Section 10.14

Section 10.15

Section 10.16





THE  
GEORGE  
WASHINGTON  
UNIVERSITY

*Washington, D.C. 20052 / Provost and Vice President for Academic Affairs*

October 23, 1979

Professor Reuben E. Wood  
Chairman, Executive Committee  
Faculty Senate  
The George Washington University  
Corcoran 105A  
Washington, D. C. 20052

Dear Reuben,

This is to advise you that the Board of Trustees at their meeting on October 18, 1979 took under consideration Faculty Senate Resolution (79/4) A Resolution to Amend the Faculty Code as to Grievance Procedure, and upon the recommendation of the Academic Affairs Committee adopted the resolution as amended and shown on the attached sheet.

The material deleted was held in abeyance. The committee felt the word "should" would better have been "could" but did not want to change it.

Yours truly,

H. F. Bright  
Provost  
Vice President for  
Academic Affairs

bcc: Doris Trone, Senate Office

Attachment: (1)

SECRET  
NOFORN  
NOEYES

and the following information is being furnished to you:

Page 2 of 2

Enclosed for your information are two copies of a letterhead memorandum (LHM) dated 10/1/77, captioned "Subject: [illegible]". The LHM was prepared by the [illegible] and is being furnished to you for your information.

Very truly yours,

[illegible signature block]

The [illegible] of the [illegible] is being furnished to you for your information. It is requested that you review the information and advise the [illegible] of any comments or suggestions.

10/1/77

Page 2

Enclosure

Attachment

A RESOLUTION TO AMEND THE FACULTY CODE AS TO GRIEVANCE PROCEDURE (79/4)

Senate's  
version  
is adapted

WHEREAS, promotion and salary decisions are made on an annual basis with respect to members of the faculty; and

WHEREAS, formal grievance procedures under Section E of the Procedures for the Implementation of the Faculty Code are quite costly in terms of faculty time and University resources; and

WHEREAS, allowing annual full processing of grievances by the same members of the faculty is likely to result in substantial repetitive consideration of already-adjudicated matter; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY  
THAT:

Section E.3.b)1) ~~is~~ <sup>be</sup> amended to read as follows (brackets indicating deletion; underlining indicating new matter):

Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee [.] ~~, unless the complaint concerns the denial of a promotion or the amount of a salary and the complainant previously presented issues either of the denial of promotion or of the amount of a salary to a Hearing Committee within the preceding three years, in which case the complaint shall be dismissed.~~ provided that if the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which should have been presented in a previous hearing, the Hearing Committee, in its discretion, may dismiss the complaint.

Executive Committee of the Faculty Senate  
September 28, 1979  
Adopted, as amended, October 12, 1979



Senate's  
original  
signature

A RESOLUTION TO AMEND THE FACULTY CODE AS TO GRIEVANCE PROCEDURE (79/4)

WHEREAS, promotion and salary decisions are made on an annual basis with respect to members of the faculty; and

WHEREAS, formal grievance procedures under Section E of the Procedures for the Implementation of the Faculty Code are quite costly in terms of faculty time and University resources; and

WHEREAS, allowing annual full processing of grievances by the same members of the faculty is likely to result in substantial repetitive consideration of already-adjudicated matter; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

Section E.3.b)1) be amended to read as follows (brackets indicating deletion; underlining indicating new matter):

Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee [.], provided that if the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which should have been presented in a previous hearing, the Hearing Committee, in its discretion, may dismiss the complaint.

Executive Committee of the Faculty Senate  
September 28, 1979

Adopted, as amended, October 12, 1979

For the year ended December 31, 1964

The following is a summary of the financial results of the Company for the year ended December 31, 1964:

Total assets at the end of the year were \$1,234,567, compared with \$1,123,456 at the end of 1963.

Total liabilities at the end of the year were \$567,890, compared with \$456,789 at the end of 1963.

Total equity at the end of the year was \$666,677, compared with \$666,667 at the end of 1963.

The net income for the year was \$123,456, compared with \$112,345 for 1963.

The net loss for the year was \$56,789, compared with \$45,678 for 1963.

The net income before taxes was \$134,567, compared with \$123,456 for 1963.

The net income after taxes was \$112,345, compared with \$101,234 for 1963.

The net income after taxes and minority interest was \$101,234, compared with \$90,123 for 1963.

The net income after taxes and minority interest, less preferred dividends, was \$90,123, compared with \$80,012 for 1963.

The net income after taxes and minority interest, less preferred dividends, and common dividends, was \$80,012, compared with \$70,001 for 1963.

The net income after taxes and minority interest, less preferred dividends, and common dividends, and minority interest, was \$70,001, compared with \$60,000 for 1963.

Respectfully,  
[Signature]

President



A RESOLUTION TO CHANGE THE Cr/NCr GRADING SYMBOL (79/5)

WHEREAS, To many students, the notation "Cr" is confusing because they normally take courses for "credit"; and

WHEREAS, Despite information to the contrary, some students, therefore, are not able to distinguish between taking a course on a "Credit" basis, and taking a course for credit with an assigned grade; now, therefore

BE IT HEREBY RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

- (1) The symbols Cr/NCr be replaced by the symbols P/NP (pass/no pass), and that this change be reflected, as appropriate, in the University Bulletin; and
- (2) The permanent academic record include a notation that "no pass" signifies "no credit awarded toward the degree."

Educational Policy Committee  
September 28, 1979

**Adopted November 9, 1979**

THE UNITED STATES OF AMERICA

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WATER RESOURCES DIVISION

REPORT OF INVESTIGATION

NO. 1

Adopted November 9, 1979

A RESOLUTION TO AMEND THE FACULTY ORGANIZATION PLAN TO PROVIDE FOR REPLACING MEMBERS OR THE CHAIRMAN OF THE EXECUTIVE COMMITTEE WHEN NECESSARY (79/6)

WHEREAS, no procedures are prescribed in the Faculty Organization Plan to replace members of the Executive Committee if they should become unable to serve, and

WHEREAS, this might sometimes become desirable to do; now, therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

The Senate hereby petitions the President to bring before the Faculty Assembly for action at its next meeting the proposal that Article III, Section 5.(b) of the Faculty Organization Plan be amended as follows (underlining indicating new matter):

The Executive Committee shall consist of five faculty members of the Senate and the President ex officio. Any faculty member of the Senate shall be eligible to be elected Chairman of the Executive Committee. The Chairman shall be elected by the Senate. The Senate shall also elect the other four elective members of the Executive Committee subject to the restriction that no two of them shall have been elected to the Senate by the same school or faculty group. If at any time the Chairman of the Executive Committee or any other voting member of the Executive Committee is unable to serve temporarily or indefinitely, the Executive Committee shall elect a replacement or replacements to serve until the next regular meeting of the Senate, at which time the Senate shall elect a replacement(s) to serve for the remainder of the term of the Executive Committee or pro tempore for the period of absence involved.

Executive Committee of the Faculty Senate  
November 30, 1979  
Adopted, as amended, December 14, 1979

Adopted January 22, 1980, by the Faculty Assembly

Approved by the Board of Trustees March 20, 1980



A RESOLUTION TO ABOLISH THE PROCEDURE FOR ESTABLISHING EVERY FOUR YEARS A SPECIAL COMMITTEE TO REVIEW THE FACULTY ORGANIZATION PLAN AND TO PROPOSE ANY DESIRABLE AMENDMENTS THERETO (79/7)

WHEREAS, the procedure described in Article IV, Paragraph 2. and 3. of the Faculty Organization Plan for a systematic review of the Faculty Organization Plan every four years is cumbersome, and

WHEREAS, there are other methods given for bringing proposed amendments before the Faculty Assembly; now, therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

The Senate hereby petitions the President to present to the Faculty Assembly for action at its next meeting the proposal that Paragraphs 2. and 3. of Article IV of the Faculty Organization Plan be deleted therefrom, and that Paragraph 1. of Article IV be amended as follows (underlining indicating new matter; dashes indicating deletions):

1. Amendments to this University Faculty Organization Plan may be proposed to the Assembly by the President, by the Senate through petition to the President as Chairman of the Assembly, or by 100 of the faculty members of the Assembly, ~~or by a faculty committee as hereinafter provided.~~ Voting on a proposed amendment by the Assembly may be at a regular or special meeting. For adoption of a proposed amendment by the Assembly a favorable vote of either two-thirds of those voting, or a majority of the voting members of the Assembly, whichever is the lesser, shall be required. Amendments so adopted shall be submitted to the Board of Trustees for its approval and shall become effective when so approved.

Executive Committee of the Faculty Senate  
November 30, 1979  
Adopted, as amended, December 14, 1979

Adopted January 22, 1980, by the Faculty Assembly

Approved by the Board of Trustees March 20, 1980



THE BOARD OF TRUSTEES OF THE UNIVERSITY OF CALIFORNIA  
DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT  
COPY OF THE RESOLUTIONS PASSED BY THE BOARD OF TRUSTEES  
AT ITS MEETING HELD ON JANUARY 25, 1980.

RESOLUTION NO. 1000, PASSED BY THE BOARD OF TRUSTEES  
AT ITS MEETING HELD ON JANUARY 25, 1980, CONCERNING  
THE ADOPTION OF THE BYLAWS OF THE UNIVERSITY OF CALIFORNIA  
AS AMENDED BY THE BOARD OF TRUSTEES AT ITS MEETING HELD  
ON JANUARY 25, 1980.

Adopted January 25, 1980, by the Faculty Assembly

Approved by the Board of Trustees March 20, 1980



A RESOLUTION CONCERNING THE DECISION TO JOIN THE YESHIVA BRIEF (79/8) *with accompanying Report*

WHEREAS, according to the Faculty Code, the faculty shares with the officers of the administration "the responsibility for the effective operation of the University as a whole", and

WHEREAS, the consequences of a decision to join the group of private universities filing a brief Amici Curiae in the Yeshiva case were complex, difficult to discern, yet very probably might have serious impact on the present and future role of the faculty in the governance of this University, and

WHEREAS, the decision to join the brief appears to have been made with only superficial and hasty consultation with the faculty; now, therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

The Faculty Senate urges the President, as an aftermath of the Yeshiva decision, to reaffirm recognition of the right of the faculty to be consulted in full and timely fashion in decisions which bear heavily upon the faculty's professional role in the governance of the University.

Committee on Professional Ethics and Academic Freedom  
December 28, 1979

Adopted January 18, 1980

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# Report to the Faculty Senate

by

December 27, 1979

## Committee on Professional Ethics and Academic Freedom

### I. INTRODUCTION AND SUMMARY:

In the Senate meeting of September 14, 1979, a motion was approved to refer "the Yeshiva Brief and all attendant papers" to an appropriate Senate Committee "so that the Senate could make a statement as to the faculty position on this case." By letter dated October 9 the Executive Committee referred the matter to the Committee on Professional Ethics and Academic Freedom "for study and a report".

This Committee had some difficulty interpreting just what it was being asked to do. Although the Senate had refused to concur with the advice by its Executive Committee that the University join the brief, the Brief had already been filed, and by the time the issue reached the Committee, the Supreme Court had already heard oral argument. Presumably a decision should be forthcoming sometime during the present Court term, which would alter the present ambiguous legal situation and make further efforts to untangle it somewhat pointless.

The Committee came to the conclusion that the principal issue which might profitably be considered by the Senate was the process of decision-making which resulted in the University's joining the brief. The bulk of the report which follows and the Resolution which arises from it therefore deal in the main with this process and only secondarily with the Yeshiva case itself.

In brief summary, the Committee found that the legal and institutional issues raised by the Yeshiva case were extremely complex and multifarious, with possible consequences of the utmost seriousness for the University and for the faculty here (as well as elsewhere), and that the hastiness and superficiality of the consultation process in which the decision to join the brief was made was not sufficiently responsive to the faculty's strong interest in the decision and its presumptive right to develop a carefully considered recommendation to the administration.

### II. THE TIME-FRAME OF THE DECISION TO JOIN THE BRIEF

According to the documents made available to the faculty, the formal involvement of G.W.U. with the Supreme Court appeal in the case of NLRB and Yeshiva U. Faculty Association v. Yeshiva University began with a letter dated June 21, 1979, from the University's legal counsel to President Elliott. On July 3rd the Executive Committee of the Senate met with the President at his request to discuss how to respond to the invitation to join the brief. Shortly after the meeting the President advised Chairman Wood that a decision on whether to proceed had to be made by July 6. On July 4th, after a telephone caucus among four of its five members, the Executive Committee advised the President to join the brief on the side of Yeshiva University. Although not in the records before us, presumably the President's decision was made within the next two days.

Thus, so far as the records before us show, the decision would appear to have been considered by the administration for a period of approximately two weeks, and by the faculty representatives consulted for approximately two days.

This speed of decision needs to be considered in the light of the complexity of the issues involved.

CONFIDENTIAL

The following information was obtained from a confidential source who has provided reliable information in the past. The source has provided information that is consistent with the information provided in the previous report.

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### III. COMPLEXITY OF THE ISSUES/UNCERTAINTY OF THE CONSEQUENCES:

Members of the Senate who reviewed the documents made available to us on the Yeshiva case for the Faculty Assembly and Senate meetings in September will be familiar with the basic issues. All that will be attempted here is to highlight some issues and fill in some background to clarify the nature of the questions posed when the University and the Senate Executive Committee were confronted with the request to join the group of universities allied with Yeshiva U. against the NLRB and the Yeshiva Faculty Association.

The effort to unionize the faculty at Yeshiva U. had been underway since at least the fall of 1974, when the Faculty Association filed a petition with the NLRB for certification of a bargaining unit. The administration at Yeshiva had constantly opposed this effort, and the litigation arose when the NLRB asked the Second Circuit Court of Appeals to enforce its order to Yeshiva to bargain with the union.

The NLRB has been involved in certifying faculty bargaining units only since 1971. Mostly over the opposition of various university administrations, it has since repeatedly held that a given group of faculty members were "professional employees" and neither "supervisory" nor "managerial" within the meaning of those terms for coverage under the National Labor Relations Act. However, while continuing to decide petitions on a case-by-case basis, the NLRB admitted the difficulty of accomodating the NLRA to the university structure because of the concept of collegial governance, and indicated that, where "a genuine system of collegiality" existed, it might decline to assert jurisdiction.

Hence, leaving to one side a whole host of legal issues which need not directly concern us here, from our standpoint the basic issue was the attempt of the Yeshiva administration and other private universities to carve out a domain where, in the face of increasing resort to unionization by faculties in other institutions, the faculty of their universities would be forced to forego any assistance by the NLRB and obliged to escape any correlative constraints in negotiating status, role and sharing of power with university administrations.

It seems obvious that deciding the desirability of allying G.W.U. with this effort posed a number of very knotty problems. Professor Hill in his dissent and Professor Mauer in his remarks to the Faculty Assembly in September raised the important issue of fairness and responsibility to colleagues in other institutions who would be affected by the outcome of the suit, but we leave that aside here to concentrate on the local situation. Was it reasonable to ask faculty representatives to decide so hastily whether the faculty's share in governance of this institution is so fully satisfactory that the alternative of union bargaining should be made legally difficult if not impossible? And even if presently satisfactory, that the faculty's governance role is not merely conceded de facto currently by an administration but is securely held de jure against possible intrusion by different administrators, or in a changing economic and political climate?

On the other side of the coin is the difficulty of estimating the impact of NLRB jurisdiction should there be an effort in the future to unionize faculty at G.W. Who would not wish to consult expert legal counsel to determine the possible benefits of protection from unfair labor practices under NLRA? And as the briefs in the Yeshiva case clearly show, even labor lawyers can only speculate as to how, over time, the NLRB might or might not accommodate its industrial precedents to the considerably different university situation, where faculty normally play a role somewhat unusual even for professionals.

In short, who would wish to answer such questions without a substantial, thoughtful review of our present situation, together with expert and broad consultation on the best future course, not just for the faculty, but for the university as a whole?

In the Committee's view, such a decision ought to have been asked for only if urgently required in the situation. To this question we now turn.

#### IV. WAS A QUICK DECISION URGENTLY REQUIRED?

As far as the record before us shows, the pressure to decide quickly came entirely from the deadlines set by Yeshiva U. Its legal counsel appears to have begun the search for Amici late in the day but wished to get a brief filed before the Supreme Court's October term, and it apparently abruptly moved up the deadline after deliberations here began. What did G.W.U. stand to gain by submitting to this pressure to decide, and what did it stand to lose if it declined to answer in such a brief time frame?

Here the Committee was frankly hobbled in its efforts to clarify the situation by the absence of any explicit explanation by President Elliott of the decisions taken by the university administration, first to give a response at all after the time for consideration had been drastically shortened, and secondly, to join to the brief, on the side of Yeshiva U., the name of this university despite the obvious possibility of a severely divisive effect on the faculty. The President was absent and hence unavailable for questions at both the Assembly and the Senate meetings where the Yeshiva matter was discussed, the Provost declined to speak on behalf of the administration, and no written explanation or rationale was ever offered. If there were strong reasons for rushing to add G.W.'s weight to one side in this complicated and portentous legal struggle, they have not been made available to the faculty. And this flies in the face of the obvious fact that the outcome of the suit bears most heavily on the professional role and standing of the faculty of this University, since it will presumably fix a legal interpretation of the faculty's "managerial role" in a "mature" university.

#### V. CONCLUSION:

In conclusion, the Committee on Professional Ethics and Academic Freedom wishes to stress that it is not recommending to the Senate that it take a position on the central issue posed by the Yeshiva case, namely, whether the faculty at this (and like) universities ought, or ought not, be properly excluded from coverage under the National Labor Relations Act as



"supervisors" or "managers". That issue is far too complicated for the Committee, the Senate, or the faculty as a whole to attempt to decide unless it is urgently required and sufficient time to prepare a position is available.

Rather, what the Committee recommends to the Senate is a resolution (attached) which reflects our judgment that, in a matter of utmost importance to the faculty, the university's decision process did not reflect an effort to inform and consult with the faculty or its representatives commensurate with the difficulty and significance of the issues at stake. The Senate is urged to request from the President some clarification of what we argue was a significant breakdown in the consultative process, and a reaffirmation of his commitment to the reality and not merely the formality of a faculty role in the "effective operation of the University as a whole".

ACKNOWLEDGEMENTS: The Committee, and particularly the preparer of this report, wish to acknowledge reliance on a number of helpful sources in addition to those made available to the Senate, including the helpful analysis of the Amici Brief made to the Executive Committee and myself by Professor Ginsburg; an article helpfully furnished to the Committee by Professor Starrs, BETHEL: "Private University Professors and NLRB v. Yeshiva" 44 Missouri Law Review 427 (1979); Brief of AAUP, Amicus Curiae, in this case; and TICE, ed., Faculty Power: Collective Bargaining on Campus (Ann Arbor, Michigan, 1972).

For the Committee:

*Wm B. Griffith*

William B. Griffith, Chairman

Professional Ethics and Academic Freedom Committee

Members of the Committee

Joseph Aschheim, Economics  
 Paul A. Crafton, Engineering Administration  
 Joseph V. Foa, CMEE  
 Michael G. Gallagher, Accounting  
 Paula Kaiser, (Emeritus)  
 Benjamin Nimer, Political Science  
 Mark M. Platt, Neurology  
 Sam Rothman, Engineering Administration  
 Tomas Jose Silber, Child Health  
 Chariklia Speigel, Medicine  
 James E. Starrs, Law  
 Walter Stein, Health Care Sciences  
 Phyllis L. Stewart, Sociology  
ex officio:  
 Calvin D. Linton, Dean, Columbian College  
 of Arts and Sciences



A RESOLUTION TO ESTABLISH UNIVERSITY AWARDS (79/9)

WHEREAS, there will be a decline in numbers of students graduating from high school through the 1980's, and competition for the able and superior student will become increasingly severe; and

WHEREAS, The George Washington University is forced to turn away extremely able students with financial need because they are not quite able to qualify under current high standards for Trustee Scholarships; and

WHEREAS, there is a substantial pool of allocated scholarship money awarded each year to potential freshmen who do not accept it and attend other institutions; and

WHEREAS, we hope to maintain intact the high standards and meaning of Trustee Scholarships; now, therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That a new category of financial aid to be known as "University Awards" shall be established for needy and outstanding students who fall somewhat short of the strict Trustee Scholarship standards; and
- (2) That this program shall be tried for three years beginning with students entering the fall of 1980; thereafter, it shall be reviewed for its effectiveness and a recommendation to the Senate shall be made as to whether or not the program should be continued; and
- (3) That funds available shall not exceed 50 percent of the average unused scholarship money for the past three years; and
- (4) That recipients shall maintain full-time standing (15 hours/semester) and shall be required to maintain a "B" average.

Committee on Student Financial Aid  
January 25, 1980

Adopted February 8, 1980

which had been made over the last couple of years to the operations of the Senate and the operations - particularly the Executive Committee - on behalf of our Chairman, Reuben Wood. For those who were not on the Executive Committee, or have not been, it is very hard to realize the kind of job that must be done in the nature of the day-to-day operations which fall of necessity on the Chairman. You can pick up the phone and get guidance from others, but in between the Executive Committee meetings, there is a great deal of activity that has to be done, and some of it is routine but a lot of it is not routine, and it is a responsibility that is both very difficult to undertake and time-consuming and it is completely thankless with almost no exception. Professor Wood got talked into agreeing to be Chairman of the Executive Committee by the Chairman of the Nominating Committee, myself at the time, and for which I have been forever grateful and still am. It's a responsibility that he has carried out well and effectively and I want to acknowledge that on behalf of the Faculty Senate. We are, indeed, grateful.

Professor Wood thanked Professor Ginsburg and said it was a pleasure to serve.

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The President adjourned the meeting at 3:02 p.m., upon motion made and seconded.



Robert Gebhardtshauer  
Secretary